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Docket No.: 20239-706

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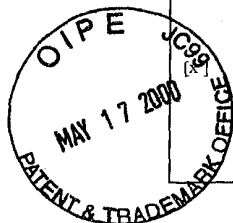
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Name of Person Certifying: Carl M. Gruppi

Date: May 11, 2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus Pfeffer.

Assignee: Bavarian Nordic Research
Institute A/S

Serial No.: 09/403,690

Examiner: J. Einsmann

Filing Date: January 26, 2000

Group Art Unit: 1655

Title: TAQMAN™-PCR FOR THE DETECTION OF PATHOGENIC E. COLI STRAINS

Box Sequence

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER FOR SEQUENCE LISTING

Sir:

In response to the Office Communication mailed on April 11, 2000, enclosed herewith
for filing are the following.

- ☒ Preliminary Amendment (8 pgs.)
- ☒ Paper Copy of Sequence Listing (Exhibit A; 10 pgs.)
- ☒ Computer Readable Copy of Sequence Listing (Exhibit B; 1 diskette)
- ☒ Statement Regarding Sequence Listing (Exhibit C; 1pg.)
- ☒ Notice to Comply with sequence listing Rules (Exhibit D; 1 pg.)
- ☒ Return Receipt Postcard
- ☐ Please charge the fee for _____ (\$110.00) to Deposit Account No.
50-1189. Order No. 20239-706.

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The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. Sections 1.16-1.17 or to credit any overpayment, to Deposit Account No. 50-1189.. Should no proper payment be enclosed herewith, as by a check being in the wrong account, unsigned, post-date, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1189. This sheet is filed in duplicate.

Dated: May 11, 2000

Respectfully submitted,

By: 

Carol M. Gruppi
Agent for Applicant
Registration No.: 37,341

Mailing Address:

McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (415) 393-2000
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Application No.: 09403690

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

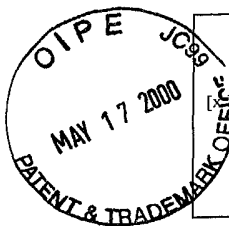
For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

Docket No.



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Name of Person Certifying: Carla M. Grupp

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Group Art Unit: 1655

Title: TAQMAN™-PCR FOR THE DETECTION OF PATHOGENIC E. COLI STRAINS

Assistant Commissioner for Patents
Washington, D.C. 20231

**PRELIMINARY AMENDMENT IN RESPONSE TO THE NOTICE TO COMPLY WITH
SEQUENCE LISTING RULES (37 CFR § 1.821-§ 1.825)**

Sir:

This Preliminary Amendment is being filed in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences and/or Amino Acid Disclosures ("Notice") dated April 11, 2000 in the above referenced application. Applicant was given a one month period to respond to the Notice, making a Response due by May 11, 2000. Accordingly, this Amendment is timely filed

Please amend the application as follows:

IN THE SPECIFICATION:

Please amend the specification as follows:

On page 7, line 14, after "5' GCG TTA CTA TCC TCT CTA TGT G^{3'}", please insert --
(SEQ ID NO:1)--.